

EXHIBIT B

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July 25, 2014

Nadine Pellegrini
Aloke Chakravarty
William Weinreb
Assistant U.S. Attorneys
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

Re: United States v. Dzhokhar Tsarnaev
Criminal No. 13-10200- GAO

Dear Counsel:

Included in the June 10, 2014 discovery production were six (6) documents indexed as folder name: "foreign government information" and file name: "Russian Doc 1.pdf – Russian Doc.6.pdf." They are found at Bates 57633-57655. These undated documents do not indicate their source or who produced them, and as a result we are left with no context for them. They also appear to be excerpted from other documents. In addition, the last few lines of text are cut off on multiple pages in the Bates range 57641-57655.

By way of this letter we ask that you (1) identify the date and source of the six documents, (2) provide the full documents from which these documents were excerpted, and (3) advise us of who provided the documents to authorities in the United States, to whom they were provided, and when.

Thanks for your assistance.

Sincerely,

/s/ Judy Clarke
David I. Bruck
Judy Clarke
Miriam Conrad
William Fick
Timothy Watkins



U.S. Department of Justice

Carmen M. Ortiz
United States Attorney
District of Massachusetts

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John Joseph Moakley United States Courthouse
1 Courthouse Way
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August 8, 2014

BY ELECTRONIC MAIL

Timothy Watkins, Esq.
William Fick, Esq.
Miriam Conrad, Esq.
Judy Clarke, Esq.
David Bruck, Esq.
Federal Defender's Office
51 Sleeper Street, 5th Floor
Boston, MA 02210

Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200- GAO

Dear Counsel:

We are writing in response to your discovery requests of July 25, 2014.

With respect to the Russian language documents that you reference, these documents were provided by the Russian government on or after April 22, 2013. We have produced to you all discoverable aspects of these intergovernmental communications. We are not aware of how the Russian government obtained this information. We direct you to them should you have further questions about this material.

Sincerely,

CARMEN M. ORTIZ
United States Attorney

By: /s/ Alope Chakravarty
Alope Chakravarty
William Weinreb
Nadine Pellegrini
Assistant U.S. Attorneys

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September 9, 2014

Aloke Chakravarty
Nadine Pellegrini
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Assistant U.S. Attorneys
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, Massachusetts 02210

Re: United States v. Dzhokhar Tsarnaev
Criminal No. 13-10200- GAO

Dear Counsel:

I am writing to follow up on our letter dated July 25, 2014 and your response dated August 8, 2014 concerning certain documents produced in discovery that you represent “were provided by the Russian government on or after April 22, 2013.”

Before turning to issues of apparent controversy, we would request re-production of complete and legible copies of the pages in Bates range 57641-57655. As noted in our July 25 letter, the last few lines of text from multiple pages provided to us in that range were cut off, presumably inadvertently, during the copying and/or scanning process.

In response to our request for full copies of apparently excerpted documents and for additional information about their dates, sources, and provenance, you directed us to “them,” referring to representatives of the Russian government.

We have made such inquiry and are advised that any requests of the Russian government for information or other legal assistance in connection with criminal cases in the United States are governed by the Treaty between the United States of America and the Russian Federation on Mutual Legal Assistance in Criminal Matters (signed June 17, 1999 and ratified January 31, 2002; copy attached). Under the Treaty, the Attorney General of the United States (or his designee) is the “Central Authority” empowered to make requests for legal assistance. There is no provision for a private party or an employee of the Federal Public Defender (or other officer of the Judiciary) to seek legal assistance from Russia on behalf of a defendant.

Aloke Chakravarty, et al.
September 9, 2014
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Thus, the prosecution in this case is the only readily available source of the information we requested. We renew our request for the information because we cannot make effective use of the materials without this information.

In addition, your representation that these materials were provided by the Russian government "on or after April 22, 2013" leaves open the issue of communications prior to that date. It has been widely reported that the Russian government provided warnings or other information about the activities of Tamerlan Tsarnaev prior to April 2013. Any such communications should be produced because, to the extent they document earlier radicalization of Tamerlan, they are mitigating with respect to our client.

Alternatively, we request that you place us in contact with a designee of the Attorney General, "firewalled" from the prosecution team, who is authorized to seek assistance under the Treaty at the request of the defense in order to assist in preparation of the defense.

Thank you for your attention to these matters.

Sincerely,

/s/ William Fick

David I. Bruck

Judy Clarke

Miriam Conrad

William Fick

Timothy Watkins

Counsel for Dzhokhar Tsarnaev

enclosure